

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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IN RE: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)

MDL NO. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

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)
THIS DOCUMENT RELATES TO:)
)

State of California, et al. v.)

Abbott Laboratories, Inc. et al.,)

CIVIL ACTION NO. 1:03-CV-11226-PBS)
_____)

**MOTION FOR ENTRY OF JOINT STIPULATION TO STAY THE
DEADLINE FOR DEFENDANTS LIPHA, S.A. AND MERCK KGaA TO
RESPOND TO THE FIRST AMENDED COMPLAINT IN INTERVENTION**

Defendants Lipha, S.A. and Merck KGaA (collectively, the “Merck Entities”) and Plaintiffs, through their undersigned counsel, hereby move for the entry of a Joint Stipulation to stay the deadline for the Merck Entities to respond to the First Amended Complaint In Intervention (“First Amended Complaint”). In support of such Stipulation, the Merck Entities and Plaintiffs state as follows:

1. On August 25, 2005, Plaintiffs filed the First Amended Complaint, which added 36 new defendants.

2. Among the new defendants are four foreign entities: the two Merck Entities, Pharma Investment, Ltd., and C.H. Boehringer Sohn Grundstücksverwaltung G.M.B.H. & Co. K.G. Plaintiffs are in the process of serving Pharma Investment, Ltd., and C.H. Boehringer Sohn Grundstücksverwaltung G.M.B.H. & Co. K.G.

4. To promote judicial economy, Plaintiffs and the Merck Entities stipulate and agree, that the deadline for the Merck Entities to respond to the First Amended Complaint is stayed pending service of defendants Pharma Investment, Ltd. and C.H. Boehringer Sohn Grundstücksverwaltung G.M.B.H. & Co. K.G. and until such time as prescribed by a mutually agreeable briefing schedule to be negotiated by the parties in this case and approved by the Court, or if that is not possible, by a mutually agreeable briefing schedule to be negotiated by Plaintiffs and the Merck Entities and approved by the Court.

WHEREFORE, the undersigned parties respectfully request that the Court enter an Order staying the deadline for the Merck Entities to respond to Plaintiffs' First Amended Complaint pending service of defendants Pharma Investment, Ltd. and C.H. Boehringer Sohn Grundstücksverwaltung G.M.B.H. & Co. K.G. and until such time as prescribed by a mutually agreeable briefing schedule to be negotiated by the parties in this case and approved by the Court, or if that is not possible, by a mutually agreeable briefing schedule to be negotiated by Plaintiffs and the Merck Entities and approved by the Court.

Dated: March 14, 2006

/s Philip D. Robben
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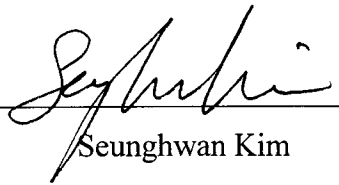
ORDER

IT IS HEREBY ORDERED THAT the deadline for Defendants Lipha, S.A. and Merck KGaA to respond to Plaintiffs' First Amended Complaint In Intervention is stayed pending service of defendants Pharma Investment, Ltd. and C.H. Boehringer Sohn Grundstücksverwaltung G.M.B.H. & Co. K.G. and until such time as prescribed by a mutually agreeable briefing schedule to be negotiated by the parties in this case and approved by the Court, or if that is not possible, by a mutually agreeable briefing schedule to be negotiated by Plaintiffs and the Merck Entities and approved by the Court.

Patti B. Saris
United States District Judge

CERTIFICATE OF SERVICE

I certify that on March 14, 2006, a true and correct copy of the foregoing Motion for Entry of Joint Stipulation to Stay the Deadline for Defendants Lipha, S.A., and Merck KGaA to Respond to the First Amended Complaint in Intervention was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.


Seunghwan Kim